

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MICHAEL A. WOOD,

Petitioner,

v.

TIM BUCHANAN, Warden,
Noble Correctional Institution,

Respondent.

Case No. 3:19-cv-304

JUDGE WALTER H. RICE

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE
JUDGE'S SUPPLEMENTAL REPORT AND RECOMMENDATIONS
(DOC. #48); OVERRULING PETITIONER'S MOTION FOR LEAVE FOR
DELAYED APPEAL (DOC. #39); CASE TO REMAIN TERMINATED ON
DOCKET

On February 26, 2021, the Court issued a Decision and Entry Overruling Petitioner's Motion for Reconsideration of a previous Order dismissing his Petition for Writ of Habeas Corpus. Doc. #38. On June 3, 2021, Petitioner filed a Motion for Leave for Delayed Appeal, Doc. #39.

United States Magistrate Judge Michael R. Merz issued a Report and Recommendations, Doc. #40, recommending that the Court overrule the motion. After Petitioner filed Objections, Doc. #42, Magistrate Judge Merz withdrew the Report and Recommendations and filed a Substituted Report and Recommendations, Doc. #43. Petitioner again filed Objections, Doc. #44, and the undersigned recommitted the matter to the Magistrate Judge, Doc. #45.

On July 7, 2021, Magistrate Judge Merz issued a Supplemental Report and Recommendations, Doc. #48, again recommending that the Court overrule the motion for delayed appeal. On July 27, 2021, Petitioner filed a belated Objection, Doc. #49, stating that he had never received a copy of the Supplemental Report and Recommendations, and had recently discovered it only after searching the docket online.

Accordingly, on July 30, 2021, the Court issued an Order directing the Clerk to mail Petitioner a copy of the Supplemental Report and Recommendations, along with a copy of that Order. That Order gave Petitioner 17 days to file substantive Objections to the Supplemental Report and Recommendations. Doc. #50. Despite being notified of his right to file Objections to the Supplemental Report and Recommendations, and of the consequences of failing to do so, Petitioner filed no Objections within the time allotted.

Based on the reasoning and citations of authority set forth by Magistrate Judge Merz in his Supplemental Report and Recommendations, Doc. #48, and his earlier Substituted Report and Recommendations, Doc. #43, as well as upon a thorough *de novo* review of this Court's file and the applicable law, the Court ADOPTS said judicial filing, and OVERRULES Petitioner's Motion for Leave for Delayed Appeal, Doc. #39.

The captioned case shall remain terminated on the Court's docket.

Date: November 16, 2021

Walter H. Rice
WALTER H. RICE
UNITED STATES DISTRICT JUDGE